

**FREDERICK COUNTY**  
**DEVELOPMENT REVIEW OUTREACH MEETING**  
**Session #38**  
**30 North Market Street, Training Room**  
**October 26, 2007**

**MEETING MINUTES**

**Prior Meeting Minutes:** Minutes from the previous meeting and the current agenda were available to the group. These items will also be posted on the website for this and subsequent meetings.

**Staffing:** Betsy Smith provided an update on the recent positions that have been filled:

Kim Mezzanotte – Development Review Technician, Engineering

Tolson DeSa – Principal Planner

Ron Burns – Traffic Engineer

There are two positions that are still open:

Development Review Technician, Environmental Compliance

Engineering Manager – Plan Review and Engineering Staff Supervision

Betsy also noted that the Traffic Engineer Contractor, Shawn Burnett, will still be working with the County for the foreseeable future.

**Road Adequacy Requirements:** Mark Depo distributed a draft of the Memorandum that outlines the three options for consideration when verifying the road width:

1. Field verification by DPDR Staff – may require additional fees
2. Written certification on plan/plat
3. Submit signed and sealed sketch confirming road adequacy is met

Mark requested that the attendees review the Memorandum and submit comments or recommendations by November 9, 2007.

**Hansen Reporting:** Betsy informed the group that there will be some changes made to the Hansen reports that will enable DPDR Staff to use the data that is available for various internal reports. The use of the term “failed” vs. “denied” may be required to allow this enhanced reporting. Using the term “failed” automatically generates another review and the printout status will then reflect all reviews, not only the current one. Mark Depo further explained that Hansen terms are fixed and the term “denied”, or “hold” as was also suggested, will not generate a new review. Staff is continuing to work with IIT to change the “appearance” of printed reports and possibly how the report is displayed on-line. The Development Community will be informed as to when this change will be operational.

**Agency Reviews:** There were concerns regarding the Health Department especially when their “incomplete” status generates additional reviews and perhaps additional fees. Betsy and Mark both stipulated that Hansen-generated fees could be evaluated and waived if it was determined that additional reviews were for other agencies. Mark also responded to the question of a mid-process submittal to the Health Department to obtain

perc results before proceeding with plan revisions. He explained that there is no way to currently stage this type of review and the attendees were advised that separate submittals are not encouraged and will not be accepted if they are not routed through Development Review (Hansen). Mark did agree to look at Hansen and meet with the Health Department to devise a way to stage a Health Department review [only for those projects that are not Planning Commission dependent]. Mark did state that Development Review would try to do something in the interim while formulating a valid permanent solution. The Development Community was also instructed to pay only the initial fees with their first submission.

There were also comments regarding the timeliness of SHA reviews. Betsy stated that DPDR has been working closely with their staff to get them up to speed with Hansen and that Steve Foster has been very responsive to our requests for timely reviews or confirmation of approvals, and DPDR would continue to work within their capabilities to improve this situation.

**FRO Exemptions:** Stephen O'Philips had drafted a summary of FRO changes that were to be established; refer to the attached summary of these issues (dated 10-25-07) from the 10/5/07 FRO Outreach Meeting.

**Text Amendments:**

**Farm Lots:** Mark explained that Development Review had been directed to remove farm lots from the Zoning Ordinance. With that being the only direction, no recommendations regarding pipeline projects were presented. Mark recommended that any farm lot plats be submitted ASAP in the event that the amendment passes and a provision for grandfathering pipeline projects is considered. Betsy also added that the Development Community should make it a priority to attend Planning Commission meetings and voice their concerns.

The issue of interpretation of farm lots that may or may not have wells and septic proposed was raised. Mark said that staff would be looking carefully at the proposed use and the applicant will be required to provide evidence or a certification/affidavit that it is agricultural property and will be actively farmed. The Health Department may have a plat requirement but planning does not. The Health Department is more the lead when considering percing farm lots and they inform the Planning Department when a LOR or site plan has been submitted.

**APFO:** Mark announced that a text amendment is scheduled for the November 14<sup>th</sup> Planning Commission meeting that addresses pro-rating background trips. He also informed the attendees that there are more amendments being considered and that Development Review will endeavor to get the Development Community's input before they go before the Planning Commission. The upcoming amendments include road escrows, trip thresholds, and school traffic. As a general comment regarding traffic studies, it was discussed that the County is essentially "closing one door without opening another" and that perhaps a more regional approach toward traffic issues would better serve our area than only mirroring surrounding counties. Betsy stated that she understood their argument and that Development Review will be looking at "opening a door", safely. Betsy again urged the Development Community to make the BOCC aware of their

concerns and make it a matter of record. She conceded that the APFO is not currently working as it was intended and that Staff is committed to make it work. She clarified that Minor Subdivisions (5 lots or less) are still exempt, a Major Subdivision qualifies with the 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> lots, and there are no plans to delete exemptions for Minors, at this time.

**Minor Subdivision Notification:** Applicants will be required to post signs notifying the public of proposed minor subdivision development and to contact Development Review with questions. The Development Community expressed concern that calls and letters will adversely affect the reviewer's comments and perhaps delay approval of the project.

Mark assured them that it will not add time to the process and that Minor Subdivisions are Staff level review and do not go before the Planning Commission.

**Resource Conservation:** Three options were presented to the BOCC and they decided on the following: less than 20 acres – 1 lot allowed, gain 1 lot for more than 20 acres, cluster is 1 lot per 10 acres, non-cluster yields 3 lots and remainder; 3 lots must have 1.5 acre average with a maximum lot size of 2 acres; and to allow a lot size of 3 acres, it must be proven based on perc results. Roads are discouraged in the RC but are considered for 6 or more cluster lots with a maximum of 50% road frontage. Commissioner Thompson's proposal was postponed, so that when it comes back it can be considered concurrently with this text amendment. The BOCC will also be considering an Agricultural zone. Questions or concerns regarding these amendments should be directed to Eric Soter.

**Self Storage:** The Text Amendment for self storage passed stating that only 1 building is considered the main building and storage doors must not face public way or be visible from public view.

**SWM:** The State has adopted the 2007 Stormwater Act that encourages environmentally friendly site designs. Discussions at the August meeting indicated concern with complete/effective implementation due to limited resources at MDE. Betsy will provide the MDE internet link on our website. She also stated that County code changes would likely be required by January 2009, regardless of any issues with implementation. The Green Fund Bill, that would have placed impact fees on development, did not pass last year but will likely be presented again this year. Regarding water resources, NPS legislation passed which affects water availability before we rezone property. Hilary Varnadore, in Comprehensive Planning, is working to implement this water resources element (WRE). Betsy also suspected that the state would not be generating a new manual and will only supplement the existing one.

**Revised Unit Costs:** Betsy stated that she hopes to have the revised Unit Costs available for review and comment in December. She expects a jump in the unit costs due to the public bidding process. The last updates to these costs were roads in 2001 and sediment control in 1998. This does not go to a hearing and will likely be effective January 1 or March 1, 2008.

**Meetings:** The group agreed that more frequent meetings would be beneficial and that smaller groups may also be desirable. The Development Community expressed that they

wanted reporting regarding the Development Review workload and perhaps post the stats on the website. There was also mention of an update of the GIS reporting abilities and concerns with addressing; perhaps these will be topics discussed at a later date.

NEXT MEETING JANUARY 25, 2008 IN THE MEETING ROOM @30 N. MARKET



**PERMITTING AND DEVELOPMENT REVIEW DIVISION  
FREDERICK COUNTY, MARYLAND**

*Department of Development Review*

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**MEMORANDUM**

**DATE:** October 25, 2007

**TO:** Surveyors, Engineers, Planners, Forest Professionals, and All Consultants  
Active in Frederick County, MD

**FROM:** Mark Depo, Director of Development Review Planning *MD*

**RE:** FRO Outreach Meeting Follow-Up

During the FRO Outreach meeting held on October 5, 2007 there were several policy and procedural issues raised. These included timing of submissions, off-site forest credits, fee-in-lieu payments, well and septic submissions, and FRO exemptions. The following is in response to these FRO Outreach issues.

**1. TIMING OF FOREST RESOURCE ORDINANCE PLAN SUBMISSIONS:**

Section 1-21-4 of the Forest Resource Ordinance states;

This Ordinance is adopted with the intent that new development in the County take place in such a way that the conservation, protection and planting of trees to produce forested areas will help accomplish the following: A) stabilization of soil by the prevention of erosion and sedimentation; B) reduction of stormwater runoff and the potential damage it may create; C) removal of pollutants from the air and water, and assistance in the generation of oxygen; D) creation of buffers and screens against noise pollution; E) control of drainage and restoration of denuded soil subsequent to construction or grading; F) creation of protected environments for birds and other wildlife; G) sustainable production of timber and other forest products resulting in an economic benefit derived from woodland products; H) creation of shade and shelter for people, thus mitigating heat islands; I) protection and enhancement of property values; J) conservation and enhancement of the County's physical and aesthetic appearance; and K) protection of the public health, safety, and welfare of the citizens of Frederick County.

In order to meet the intent of the FRO, forest plans must be reviewed prior to the development of a property. This allows the County and the landowner to work together to steer development away from important forested and/or hydrological areas on the development site before significant improvement investments such as wells, septic fields and common driveways have been made.

### 3. FEE-IN-LIEU PAYMENTS:

Fee-in-Lieu prices and payment protocol are controlled by Resolution, not by the Forest Resource Ordinance. Prices are determined by date of payment. The only exemption to the current or prevailing rate is if an applicant has a signed Final Forest Conservation Plan in which the old 35 cents/square foot price is quoted and the language "*to be paid at the prevailing rate*" is missing from the signed FFCP. Signed cost estimates do not substitute for signed FFCP's.

The fee-in-lieu rates are as follows:

- July 20 – December 31, 2007 43 cents
- January 1 – June 30, 2008 53 cents
- Every July 1<sup>st</sup> thereafter Cost of Living Adjustment Increase – (Staff will attempt to provide the COLA increases on the DPDR website and through outreach email by June 15<sup>th</sup> of each year.)

### 4. SUBMISSION REQUIREMENTS FOR WELL & SEPTIC SUBDIVISIONS:

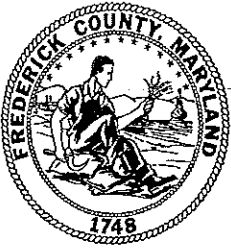
Section 1-21-30 (A) (2) (Exceptions) provides that: *(a) Septic testing. In subdivisions classified for individual well and septic service, an applicant may submit for septic percolation testing simultaneously with a partial FSD showing the existing forest canopy line and other environmental features required by the Frederick County Subdivision Ordinance (Chapter 1-16) or Zoning Ordinance (Chapter 1-19), provided that the applicant shall:*

1. *Protect all historic, champion, and specimen trees; habitats for threatened and endangered species; and hydrologically-sensitive areas during the septic testing process;*
2. *Not remove 40,000 square feet or greater of forest; and*
3. *Submit normal FSD information that includes forest canopy conditions prior to removal for septic testing, before proceeding beyond septic testing.*

A Simplified Forest Application with appropriate fee shall be submitted with well and septic subdivision application.

### 5. PROCESSING EXEMPTIONS VS. SIMPLIFIED APPLICATIONS:

If a subdivision application is submitted with an Exemption request, and the Applicant later changes to a project fully subject to FRO, then a new subdivision application shall be required.



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**MEMORANDUM**

DATE: October 25, 2007

TO: Surveyors, Engineers, Planners, and All Consultants Active in Frederick County, MD

FROM: Mark Depo, Director of Development Review Planning *MD*

RE: Road Adequacy Requirements

Please be advised that Development Review is considering creating a new policy to request additional materials to determine if road adequacy is being met.

Road adequacy is determined as follows:

Per Section 1-16-12(B)(1) of the Subdivision Regulations the proposed subdivision must have access to 1 or more paved collector or higher classification road(s) either directly, or via continuous and adequate public roads, in the direction(s) determined by the Planning Commission. The road(s), which provide the most direct access route to the proposed subdivision for the closest emergency response service, must also be adequate.

Per Section 1-16-12(B)(1)(c)(1) of the Subdivision Regulations minor subdivisions must have a 16 foot travelway width at all points and the roadway width must allow for 2 opposing vehicles to safely pass. Minor subdivision may occur on gravel, stabilized or paved surfaces.

Per Section 1-16-12(B)(1)(c)(2) of the Subdivision Regulations major subdivisions must have direct access to a continuously paved public road that meets the Design Manual standards for a local road.

Staff is considering the following options as a new policy requirement:

1. Have staff verify road width by performing field checks. This option may require an increase in plat review time and fees.
2. Add a note to the plan stating that the road width meets the requirements outlined in section 1-16-12(B)(1)(c)(1) or 1-16-12(B)(1)(c)(2).
3. Submit signed and sealed sketch for major and minor subdivisions showing that the road width meets adequacy requirements per the sections listed above. The sketch must document the typical road width every 500 feet in both directions to the nearest collector road. Any obstructions or physical barriers between the 500 feet intervals must be documented and measurements provided. If the road is a collector or arterial road than Staff may request a sketch to document road width.